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VIA EFILING AND HAND DELIVERY

January 31, 2008

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

**Re: Rulemaking Regarding Certain Transportation Regulations, Including Drug Testing for
Passenger Carriers - Notice of Drafting Filed with the South Carolina Legislative
Council
Docket No. 2007-445-A**

Dear Mr. Terreni:

On December 12, 2007, the Commission requested that comments regarding whether regulations for the transportation industry should be amended or added. The deadline to file comments is January 31, 2008.

The Office of Regulatory Staff ("ORS") files the enclosed comments regarding the referenced docket. ORS welcomes the opportunity to offer proposed regulations to the Commission in the future once the issues and direction in this matter have been more precisely defined.

ORS appreciates the opportunity to comment and plans to participate in any workshops the Commission may hold regarding this matter. We will continue to review the regulations and forward any additional comments.

Sincerely,


Jeffrey M. Nelson

ORS has identified the following issues for the Commission to explore regarding additional and amended regulations for the transportation industry.

1. Regulation 103-133 – Drug Testing for Passenger Carrier Drivers. (Item No. 3)

ORS recommends the Commission amend Regulation 103-133(7)(A) to adopt drug testing requirements for all passenger carrier drivers. ORS proposes to add the following language to the regulation: “All carriers must implement a verifiable drug testing program for drivers. Pre-employment, post-accident, and random drug screens shall be mandatory.” Non-emergency passenger carrier drivers are subject to this requirement under current Commission regulations.

2. Article 2-Adoption of Regulations Governing Transportation of Household Goods by Storage Container. (Item No. 4)

ORS recommends that the Commission Amend its regulations to further define the term “for compensation contained in S.C. Code Ann. § 58-23-30 by adding the following language as Paragraph 27 to Regulation 103-102:

(27) For Compensation. “For Compensation” includes payment made to any person, corporation or legal entity for the use or rental of any form of temporary or portable storage unit or container when such payment shall include or entitle the purchaser of such to the transportation of the unit or container or its contents over public highways in this state. Any contracts, agreements, rentals or sales by the provider of such temporary units or portable containers which assert to provide 'free' transportation shall be deemed a subterfuge for the purpose of avoiding regulation as defined in the statute.”

3. Article 2, Subarticle 11 – Regulation to Permit Refunds to Overcharged Consumers of the Household Goods Industry. (Item No. 5)

ORS recommends adding language to Article 2, Subarticle 7 to allow adjustments to customer bills. The following language is recommended:

Adjustment of Bills.

If it is found that a household goods motor carrier has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such carrier than that prescribed in the schedules of such carrier applicable thereto, then filed in the manner provided in Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from a carrier for a compensation greater or lesser than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be provided by the following:

1. Customer Inadvertently Overcharged. If the carrier has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the carrier shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed.
2. Customer Inadvertently Undercharged. If the carrier has undercharged any customer as a result of a misapplied schedule, or any human or machine error, then the carrier may recover the deficient amount. The customer shall be allowed to pay the deficient amount, in equal installments over a period of six months.
3. Customer Willfully Overcharged. If the utility has willfully overcharged any customer, the carrier shall refund the difference, plus interest, as prescribed by the Commission.
4. Customers and Carriers shall have two (2) years from the date of the transaction in question in which to apply for an adjustment as provided herein.

4. Amend Regulation 103-133(6)(E)(3) to remove the word "recommend" and insert the word "require." (Item No. 6)

Add Regulation 103-140. Out of Service Requirement.

Any Officer of the ORS Transportation Department may immediately suspend the authority of any passenger carrier to operate under a Class C Certificate of Public Convenience and Necessity issued by the Public Service Commission for defects or deficiencies detected by such Officer in accordance with the provisions of Regulation 103-133(7)(B) (pending).

Under current regulations, ORS must rely on a Rule to Show Cause to remove unsafe vehicles from operation. This process takes months allowing the carrier to utilize an unsafe vehicle. A requirement to immediately remove a vehicle from service would provide better public protection. ORS would recommend this requirement pertain to all passenger carriers under PSC jurisdiction.